

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 13, 2005**

AGENDA ITEM NO.: 8

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **REZONING: B-3, Community Business District and R-4, Medium-High Density Multi-Family Residential District to B-5C, General Business District (Conditional) at 2639 Lakeside Drive.**

RECOMMENDATION: Approval of the requested rezoning petition.

SUMMARY: Clarion Investments, LLC is petitioning to rezone approximately 5.3 acres at 2639 Lakeside Drive from B-3, Community Business District and R-4, Medium-High Density Multi-Family Residential District to B-5C, General Business District (Conditional) to allow the construction of an automobile dealership, service department, parking lot and vehicle display area. The Planning Commission recommended approval of the rezoning because:

- The petition agrees with the *Future Land Use Map* which recommends a Community Commercial development that attracts customers from the entire City, for this area of Lakeside Drive.
- The petition agrees with the Zoning Ordinance in that automobile dealerships are a permitted use in a B-5, General Business District.
- The submitted site plan and voluntarily submitted proffers adequately address the protection of the major gateway area designated along the Lakeside Drive corridor by the City's *Comprehensive Plan*.

PRIOR ACTION(S):

August 24, 2005: Planning Division recommended approval of the rezoning.
Planning Commission voted to waive the 21-day submittal requirement to accept an additional proffer. (6-0, with 1 member absent, Pulliam)
Planning Commission recommended approval (6-0, with 1 member absent, Pulliam) with the following voluntarily submitted proffers:

1. Clarion Investments, LLC proffers the Perkins & Orrison site plan dated July 15th, 2005. The development shall be constructed in substantial compliance to said site plan.
2. Clarion Investments, LLC proffers a vegetated/bioretention/wetland forebay instead of a stormwater quality sediment forebay as shown on the proffered site plan.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn/ 455-3902 Tom Martin/ 455-3909

ATTACHMENT(S):

- Ordinance
- PC Report
- PC Minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Site Plan
- Narrative
- Speaker Sign-Up sheet

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE CHANGING THE PROPERTY LOCATED AT 2639 LAKESIDE DRIVE FROM B-3, COMMUNITY BUSINESS DISTRICT, AND R-4, MEDIUM-HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT, TO B5C, GENERAL BUSINESS DISTRICT (CONDITIONAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that in order to promote the public necessity, convenience, general welfare, and good zoning practice that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby amended by adding thereto Section 35.1-76.____, which section shall read as follows:

Section 35.1-76.____. Change the property located at 2639 Lakeside Drive also known as Valuation Number 231-10-002 from B-3, Community Business District, and R-4, Medium-High Density Multi-Family Residential District, to B-5C, General Business District (Conditional) to allow for the construction of a two (2) story automobile dealership, service department, parking and vehicle display area.

The area embraced within the following boundaries . . .

Beginning at a point in the southerly right of way of Lakeside Drive being the common corner of Lots 1 & 2 and the point of beginning; thence S 5° 18' 8" E 1193.09 feet to a point; thence S 84° 42' 04" W 139.63 feet to a point; thence N 32° 24' 17" W 118.05 feet to a point; thence N 6° 4' 22" W 959.60 feet to a point; thence N 18° 39' 35" W 77.42 feet to a point; thence N 71° 20' 25" E 230.07 feet to the point of beginning, containing 5.309 acres.

. . . is hereby changed from B-3, Community Business District, and R-4, Medium-High Density Multi-Family Residential District, to B-5C, General Business District (Conditional), subject to the conditions setout herein below which were voluntarily proffered in writing by the owner, namely: Clarion Investments, LLC, to wit:

1. Clarion Investments, LLC proffers the Perkins & Orrison site plan dated July 15, 2005. The development shall be constructed in substantial compliance to said site plan.
2. Clarion Investments, LLC proffers a vegetated/bioretenion/wetland forebay instead of a stormwater quality sediment forebay as shown on the proffered site plan.

And the Director of Community Planning and Development shall forthwith cause the Official Land Use Map and the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

The Department of Community Planning & Development

City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission
From: Planning Division
Date: August 24, 2005
Re: **REZONING: B-3, Community Business District and R-4, Medium-High Density Multi-Family Residential District to B-5C, General Business District (Conditional) to allow the construction of an automobile dealership, service department, parking and vehicle display area for property located at 2639 Lakeside Drive.**

I. PETITIONER

Clarion Investments, LLC, 2639 Lakeside Drive Lynchburg, VA 24501

Representative: Maggie Cossman, Perkins & Orrison, 17 W. Nelson Street, Lexington, VA 24450

II. LOCATION

The subject property is approximately five and three-tenths (5.3) acres and is located at 2639 Lakeside Drive also known as Valuation Number 231-10-002.

Property Owners: Clarion Investments, LLC, 2639 Lakeside Drive Lynchburg, VA 24501

III. PURPOSE

The purpose of this petition is to allow for the construction of a two (2)-story automobile dealership, service department, parking and vehicle display area.

IV. SUMMARY

- Petition agrees with the Future Land Use Map which recommends a Community Commercial development for the subject property.
- Petition agrees with the Zoning Ordinance in that automobile dealerships are permitted "by right" within a B-5, General Business District.
- Petition proposes to rezone the subject property for the construction of a two (2)-story automobile dealership, service department, parking and vehicle display area.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg Future Land Use Map recommends Community Commercial development for this area. Community Commercial corridors include retail, personal service, entertainment and restaurant uses that draw customers from at least several neighborhoods up to the entire City.

The City of Lynchburg Comprehensive Plan also identifies major gateways where heavily traveled, typically four-lane roads cross from surrounding counties into the City. These gateways serve as the community's front door, establishing first impressions and reinforcing images and perceptions of Lynchburg's quality of life and vitality. Lakeside Drive and the Lakeside Drive/Lynchburg Expressway Interchange are designated as a Major Gateways. The interim policy designated by the Comprehensive Plan for changes proposed in Gateway areas is that if a property in a gateway area is proposed for rezoning, the City will seek proffers that ensure high aesthetic quality of development and that set aside land for gateway features.
2. **Zoning.** The subject property was annexed into the City in 1976. The existing B-3, Community Business District and R-4, Medium-High Density Multi-Family Residential District zoning was established in 1978 with the adoption of the current Zoning Ordinance.
3. **Proffers.** The petitioner voluntarily submitted the following proffers with the rezoning application:
 - (1) Clarion Investments, LLC proffers the Perkins & Orrison site plan dated July 15th, 2005. The development shall be constructed in substantial compliance to said site plan.

4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed rezoning.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On September 14, 2004, City Council approved Heritage Baptist Church's CUP petition to expand an existing parking lot at 239 and 329 Breezewood Drive.
 - On April 13, 1999, City Council approved Heritage Baptist Church's CUP petition to amend their master development plan and allow an addition to their multi-purpose building at 219 Breezewood Drive.
 - On October 13, 1998, City Council approved Pavilion Development's CUP petition to allow the construction of a single-bay car wash next to the existing food court building at 2625 Lakeside Drive.
 - On June 9, 1998, City Council approved Southern Air's petition to rezone seven (7) acres at 2655 Lakeside Drive from R-4, Multi-Family Residential District to B-5C, General Business District (Conditional) to allow expansion of an outdoor storage area.
 - On May 12, 1998, City Council approved Heritage Baptist Church's CUP petition to amend their master development plan and allow additional buildings as well as a revised layout at 219 Breezewood Drive.
 - On April 12, 1994, City Council approved Heritage Baptist Church's CUP petition to amend their master development plan and allow additional classroom space as well as an enclosed hall at 219 Breezewood Drive.
 - On October 12, 1993, City Council approved Heritage Baptist Church's CUP petition to amend their master development plan and allow two additional classroom trailers at 219 Breezewood Drive.
 - On February 9, 1993, City Council approved Heritage Baptist Church's CUP petition to allow expansion of the existing church complex at 219 Breezewood Drive.
 - On October 13, 1992, City Council rezoned properties along Graves Mill Road and Lakeside Drive from I-3, Heavy Industrial District to B-3, Community Business District as part of the Graves Mill Road/ US 221 Area Land Use Study - Growth Management Program – May 11, 1992 to promote economic vitality, convenience, general welfare and good zoning practice.
 - On January 14, 1992, City Council approved Heritage Baptist Church's CUP petition to allow for the use of a modular classroom and expansion of a parking area at 219 Breezewood Drive.
 - On May 14, 1991, City Council approved Southern Air's petition to rezone one and eight-tenths (1.8) acres at 2650 Lakeside Drive from I-3, Heavy Industrial District to B-3, Community Business District to allow it to be used as a contractor supply facility.
 - On July 10, 1990, City Council approved Heritage Baptist Church's CUP petition to allow for the construction of a classroom building at 219 Breezewood Drive.
 - On December 8, 1987, City Council approved Heritage Baptist Church's CUP petition to allow for the construction of a multi-purpose building and additional parking at 219 Breezewood Drive.
 - On May 14, 1985, City Council approved Heritage Baptist Church's CUP petition to allow for an educational wing and offices at 219 Breezewood Drive.
 - On May 10, 1983, City Council approved Heritage Baptist Church's Temporary CUP petition for a tent revival at 219 Breezewood Drive.
6. **Site Description.** The subject property currently includes a single-family, two-story dwelling; the rear half of the site is forested. The property is bounded to the north by a combination of residential, retail (service station) and industrial properties (Lynchpin Industrial Park) and to the east and west by commercial retail (mini-storage and commercial vehicle sales, respectively). Undeveloped tracks owned by Southern Air and a Heritage Baptist Church lie to the south.
7. **Proposed Use of Property.** Clarion Investments, LLC proposes the construction of a car dealership with a vehicle display and service area. The front portion of the building will include customer service, vehicle display and an office area in a two (2)-story building. The site will be landscaped with shrubs in the vehicle display area, perimeter shade trees, foundation plantings at the main entrance to the building and

ornamental street trees in mulch beds along the site road frontage. The existing topography will require retaining walls along the east and west perimeter of the property. Access to the site is proposed through a one-way entrance off of Lakeside Drive. Water and sewer will be served by the City of Lynchburg.

8. **Traffic and Parking.** The City's Traffic Engineer noted that "driveways must be made one-way (one driveway will be entrance only and one must be exit only) to maintain a reasonable level of access safety for Lakeside Drive. Once driveways are one-way, driveway widths should be reduced." The applicant noted this change on the revised site plan. There were no additional comments of concern regarding traffic for this site.

Parking requirements for the proposed dealership are set at one (1) space per three hundred (300) square feet of retail sales, one (1) space per three (3) employees and one (1) space per three hundred (300) square feet of office space by the City's Zoning Ordinance. In addition, the service department requires two (2) spaces for each service bay and two (2) spaces for every three (3) employees. A total of eighty-two (82) spaces are provided for the dealership and its service department; eighty-two (82) spaces are required to meet City Code.

9. **Storm Water Management.** New impervious areas will exceed one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction. The increase in post-development runoff conditions due to the new impervious area will be managed through a proposed stormwater detention basin. A preliminary analysis of the downstream receiving channel below the management basin was found to be adequate after attenuation of the flow by the basin. The City's Environmental Planner agrees with the proposed method of stormwater quantity management.

The petitioner proposes to address water quality through the use of a grass-lined channel, a sediment forebay and foundation plantings. The City's Environmental Planner agrees with the grass-lined channel and proposed landscaping as best management practices for stormwater quality; however, she recommends that the sediment forebay be managed more as a vegetated/bioretenion/wetland forebay to address potential sources of pollution from the site.

10. **Emergency Services.** The City's Fire Marshal's only comment of concern was to show any existing or proposed fire hydrant locations on the site plan. Section F-520.1 of the City Code requires that "all new buildings or structures shall have fire hydrants within five hundred (500) feet of the entrance to the building and within seven hundred (700) feet of the most remote point of construction." The petitioner has provided that they will meet the requirements of the City's fire code.

The Police Department had no comments on the proposed rezoning application.

11. **Impact.** The development of a two (2)-story automobile dealership, service department, vehicle display area and associated parking will have limited impacts on the surrounding neighborhood. However, the Planning Division is particularly interested in the aesthetic features of the site, since the proposed development lies within a designated "Major Gateway" of the City. The interim policy designated by the Comprehensive Plan for changes proposed in Gateway areas is that if a property in a gateway area is proposed for rezoning, the City will seek proffers that ensure high aesthetic quality of development and that set aside land for gateway features. Although not currently proffered, the developer has indicated that the building will be constructed of similar materials as the existing Billy Craft Honda Dealership at 3914 Old Forest Road. The site will be landscaped with shrubs in the vehicle display area, perimeter shade trees, foundation plantings at the main entrance to the building and ornamental street trees in mulch beds along the site road frontage. The existing topography will require retaining walls along the east and west perimeter of the property. The walls will be constructed as a combination of segmental block and concrete; the concrete will be textured, colored, stamped and finished to complement the segmental block.

The City's Traffic Engineer noted that "driveways must be made one-way (one driveway will be entrance only and one must be exit only) to maintain a reasonable level of access safety for Lakeside Drive. Once driveways are one-way, driveway widths should be reduced." The site plan has been revised to address this concern. The City's Traffic Engineer had no additional comments of concern regarding traffic from the proposed development and parking requirements have been sufficiently met for the project.

New impervious areas will exceed one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction. The increase in post-development runoff conditions due to the new impervious area will be managed through a proposed stormwater detention basin. A preliminary

analysis of the downstream receiving channel below the management basin was found to be adequate after attenuation of the flow by the basin.

The petitioner proposes to address water quality through the use of a grass-lined channel, a sediment forebay and foundation plantings. The City's Environmental Planner agrees with the grass-lined channel and proposed landscaping as best management practices for stormwater quality; however, she recommends that the sediment forebay be managed more as a vegetated/bioretenion/wetland forebay to address potential sources of pollution from the site.

The City's Fire Marshal's only comment of concern was to show any existing or proposed fire hydrant locations on the site plan. Section F-520.1 of the City Code requires that "all new buildings or structures shall have fire hydrants within five hundred (500) feet of the entrance to the building and within seven hundred (700) feet of the most remote point of construction." The petitioner has provided that they will meet the requirements of the City's fire code.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on July 26, 2005. All comments related to the proposed plan use were minor in nature and have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDED MOTIONS:

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Clarion Investment LLC's petition to rezone approximately 5.3 acres located at 2639 Lakeside Drive from B-3, Community Business District and R-4, Medium-High Density Multi-Family Residential District to B-5C, General Business District (Conditional) to allow the construction of an automobile dealership, service department, parking and vehicle display area.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. H. W. Duff, Jr. Lynchburg Police Department East Division
Capt. Al S. Thomas, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Senior Planner
Ms. Erin Bryant, Environmental Planner
Mrs. Maggie Cossman, Representative

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern**
(see attached map)
2. **Vicinity Proposed Land Use**
(see attached map)
3. **Site Plan**
(see attached site plans)
4. **Project Narrative**

MINUTES FROM THE PLANNING COMMISSION MEETING – AUGUST 24, 2005

Petition of Clarion Investments, LLC to rezone approximately 5.3 acres located at 2639 Lakeside Drive from B-3, Community Business District and R-4, Medium-High Density Multi-Family Residential to B-5C, General Business District (Conditional) to allow the construction of automobile dealership, shop, parking and vehicle display area.

After discussion, Commissioner Bacon made the following motion, which was seconded by Commissioner Flint and passed by the following vote:

“That the Planning Commission waive the 21-day submittal requirement of Section 35.1-43.1 of the Zoning Ordinance to accept an additional proffer submitted by Clarion Investments, LLC to rezone approximately 5.3 acres located at 2639 Lakeside Drive from B-3, Community Business District and R-4, Medium-High Density Multi-Family Residential to B-5C, General Business District (Conditional) to allow the construction of automobile dealership, shop, parking and vehicle display area.”

AYES:	Bacon, Barnes, Dahlgren, Flint, Hamilton, Worthington	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Pulliam	1

After discussion, Commissioner Worthington made the following motion, which was seconded by Commissioner Flint and passed by the following vote:

“That the Planning Commission recommends to City Council approval of Clarion Investment LLC’s petition to rezone approximately 5.3 acres located at 2639 Lakeside Drive from B-3, Community Business District and R-4, Medium-High Density Multi-Family Residential District to B-5C, General Business District (Conditional) to allow the construction of an automobile dealership, service department, parking and vehicle display area.”

AYES:	Bacon, Barnes, Dahlgren, Flint, Hamilton, Worthington	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Pulliam	1

CLARION INVESTMENTS LLC

#2639 Lakeside Drive
Val. Map # 231-10-002
Rezoning from B-3 & R-4 to B-5C
Petitioner: Clarion Investments, LLC

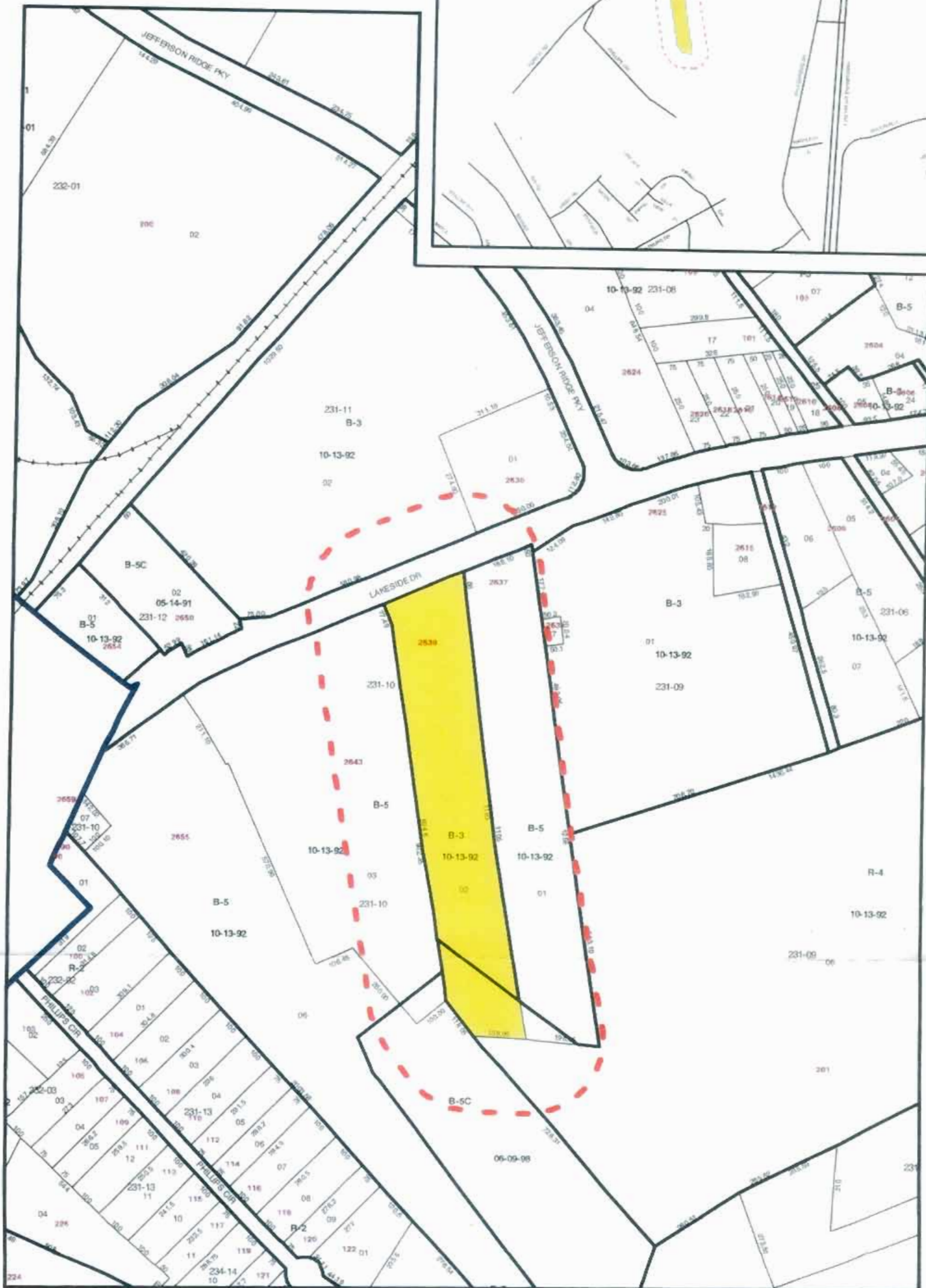
MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

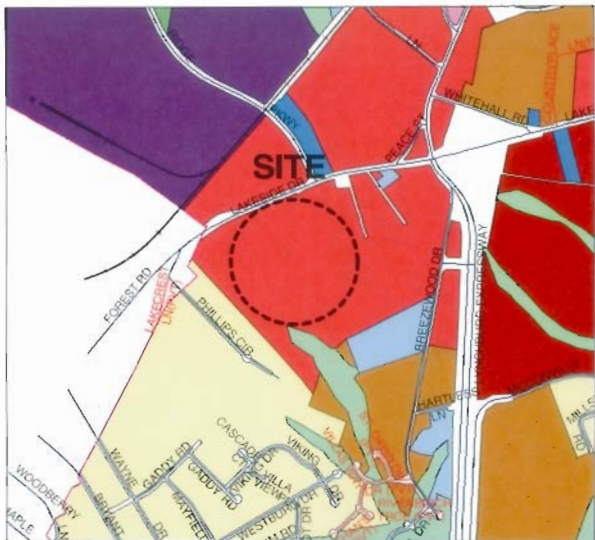


Subject Property



200 ft Radius





CLARION INVESTMENTS LLC

2639 LAKESIDE DRIVE

LAND USE PLAN



New Car Dealership
Clarion Investments, LLC.
2639 Lakeside Drive

Project Narrative

The project consists of the construction of a car dealership with a vehicle display area and a service area. The front portion of the building includes customer service, vehicle display, and office area in a two story building. The rear portion of the building is a one story service area. The site will be well landscaped with shrubs in the vehicle display area, perimeter shade trees, foundation plantings at the main entrance to the building and ornamental street trees in mulch beds along the site road frontage. Due to the existing topography, retaining walls will be required, which shall be aesthetically pleasing. It is the developer's intent to produce a quality site to display their merchandise.

A rezoning petition has been filed requesting a change from the current B-3/R-4 zoning to B-5C in which an automotive dealership is an allowable use. On the west side of the proposed development site there is an existing automobile dealership, to the east there is a mini-storage, to the southwest an undeveloped portion of Southern Air property, and to the south an undeveloped portion of Church property. All of the adjacent properties, with the exception of the church, are zoned B-5. The church property is zoned R-4. The proposed development complements the character of the existing adjacent development.

The increase in stormwater runoff due to the development would be reduced to or below pre-developed runoff rates with a detention pond located at the rear of the property. The pond would discharge to the existing swale that crosses the rear portion of the site. Stormwater quality would be provided by three measures; a grass lined channel, a forebay, and foundation plantings. A grass lined channel would convey stormwater runoff to a sediment forebay. Sediment would settle in the forebay while the runoff would be conveyed to the detention pond. Foundation plantings would be installed at the main entrance to the building. The front portion of the site would be a typical storm inlet/storm sewer system to convey the site runoff to the forebay and detention pond and to prevent an increase in runoff onto the adjacent properties.

Clarion Investments, LLC
2639 Lakeside Drive

August 24, 2005

PLEASE PRINT

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